

United States District Court

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

UNITED STATES OF AMERICA
v.

Maria Eugenia Franco-Garcia PRINCIPAL
YOB: 1977
Mexico

CRIMINAL COMPLAINT

Case Number:

M-18- 2620 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 19, 2018 in Hidalgo County, in the Southern District of Texas defendants(s) did,

(*Track Statutory Language of Offense*)

knowing or in reckless disregard of the fact that Hector Leonel Osorio-Gomez and Bayron Israel Ramirez-Escobar, nationals of Mexico, along with four (4) other undocumented aliens, for a total of six (6), who had entered the United States in violation of law, did knowingly transport, or move or attempted to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Mission, Texas to the point of arrest in Mission, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) **FELONY**
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On December 19, 2018, a camera operator scanned the Bentsen State Park and observed several subjects exit the brush near the Rio Grande River and load into a pickup truck. A Border Patrol Agent responded to the area and with the assistance of the camera operator, located the vehicle as it was driving north from the park. The Agent activated his emergency lights and initiated a vehicle stop in Mission, Texas.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

Approved Loyola Garcia
JG

Yes No

Signature of Complainant

Gerardo Montalvo Senior Patrol Agent

Printed Name of Complainant

at McAllen, Texas

City and State

Signature of Judicial Officer

Sworn to before me and subscribed in my presence,

December 20, 2018 - 4:21pm
Date

Juan F. Alanis U. S. Magistrate Judge
Name and Title of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-18-2620 -M

RE: Maria Eugenia Franco-Garcia

CONTINUATION:

As the Agent was walking towards the vehicle, he observed a subject laying in the bed of the pickup truck and multiple subjects inside the vehicle attempting to conceal themselves. While the Agent conducted an immigration inspection, two (2) subjects bailed out from the vehicle and absconded. The driver, later identified as Maria Eugenia Franco-Garcia, was determined to be illegally present in the United States. The Agent questioned the remaining four (4) passengers as to their citizenship and determined they were all illegally present in the United States.

Franco-Garcia and the four undocumented aliens were transported to the McAllen Border Patrol Station for processing.

PRINCIPAL STATEMENT:

Maria Eugenia Franco-Garcia was read her Miranda Rights. She understood her rights and refused to provide a sworn statement without an attorney present.

MATERIAL WITNESSES' STATEMENT:

Hector Leonel Osorio-Gomez and Bayron Israel Ramirez-Escobar were read their Miranda Rights. Both understood their rights and agreed to provide a sworn statement.

Osorio, a citizen of Mexico, stated that he made his smuggling arrangements and was to pay approximately \$1,600 USD to be crossed into the United States. Osorio stated that he was taken to the riverbank, where he met up with other subjects before crossing the Rio Grande River on a raft. Osorio stated that the smugglers instructed them to walk a specific path and were told that a red pickup truck would pick them up. Osorio stated that when the red pickup truck arrived, he boarded the bed of the truck because there was no space inside the vehicle.

Ramirez, a citizen of Mexico, stated that he made his smuggling arrangements and was to pay approximately \$1,800 USD to be smuggled into the United States. Ramirez stated that he, along with five (5) or six (6) other subjects, crossed the Rio Grande River on a raft. After walking for some time, Ramirez stated that they were picked up by a red pickup truck being driven by a woman. Upon boarding the vehicle, two (2) subjects sat in the front seat, and he sat on the back seat together with two (2) other subjects. After driving a short distance, Ramirez stated that he heard sirens and were pulled over by law enforcement. Ramirez stated that the two (2) front passengers exited the vehicle and absconded.